

**UNSWORN DECLARATION**  
**IN SUPPORT OF FORFEITURE COMPLAINT**

**INTRODUCTION**

Pursuant to Title 28, United States Code, Section 1746, I, Marcos A. Carpio, Special Agent, of the United States Department of Justice, Drug Enforcement Administration (DEA), declare under penalty of perjury that the foregoing is true and correct:

I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510 (7). I am, therefore, an officer who is empowered to conduct criminal investigations of, and to make arrests for, offenses enumerated in Title 18, United States Code, Section, 2516.

I have been a Special Agent with the Drug Enforcement Administration for over three years. As a Special Agent, I have been sworn to enforce the laws of Title 21, United States Code, and related offenses under Title 18, United States Code. I have received twenty one weeks of training at the DEA Academy at Quantico, VA. In addition, during my tenure as a special agent, I have received different specialized trainings in the areas of money laundering, undercover techniques, asset forfeiture, among others. I am currently assigned to the Financial Investigations Team (Task Force Group I).

During my law enforcement career, I have received detailed instruction in and conducted various complex conspiratorial investigations concerning the unlawful importation and distribution of controlled substances; the laundering and concealment of drug proceeds; and the illegal use of communication facilities by drug traffickers in furtherance of their criminal activities.

This Unsworn Declaration is submitted in support of a Complaint for Forfeiture in Rem, which involves the offenses detailed in Section 881(a)(6) of Title 21, United States Code, particularly the all moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for controlled substance or listed chemical in violation of the subchapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this subchapter. Therefore, I have not set forth each and every fact learned during the course of this investigation.

**PROPERTY TO BE FORFEITED**

GRAY 2004 BMW M3S BEARING PR TAG GEP-523

**BASIS FOR FACTS CONTAINED IN THIS UNSWORN DECLARATION**

I make this unsworn declaration, on information and belief derived from the following source:

- A) Oral and/or written reports and documents about this and other federal and/or State agents or officers.

**FACTUAL BASIS**

1. On September 13, 2013 the Drug Enforcement Administration Caribbean Division Task Force I/Financial Investigations Team (DEA CD FIT) in Puerto Rico started investigating the drug trafficking activities of Jose M. ROMAN-Cotto and Christian L. BERMUDES-De Leon in Puerto Rico. This investigation was based on the information that had been developed by the DEA District Office (DO) in Orlando, Florida.

2. On December 19, 2013, Honorable Judge Daniel R. Dominguez for the District of Puerto Rico authorized DEA agents to conduct the telephonic interception of the cell phone being utilized by BERMUDES-De Leon at that time. (*See* Case No. 13-488(DRD)). Agents of the DEA CD FIT commenced monitoring BERMUDES-De Leon cell phone on December 27, 2013.

3. While intercepting the cell phone of BERMUDES-De Leon, agents of the DEA learned that BERMUDES-De Leon distributed kilograms of cocaine to Johamid HERNANDEZ-Cotto aka YOMY. The DEA agents obtained approximately sixteen telephonic recordings on which ROMAN-Cotto, BERMUDES-De Leon and in some occasions HERNANDEZ-Cotto himself, were conspiring to obtain kilograms of cocaine for further distribution. Despite having identified HERNANDEZ-Cotto as one of the participants of cocaine kilogram distribution conspiracy, agents were not able to locate HERNANDEZ-Cotto.

4. On or about May 08, 2014 a Grand Jury for the District of Puerto Rico indicted several individuals for violation of 21 U.S.C. 941 (a)(1), Title 21 United States Code, Section, 846 and other violations regarding to the trafficking of Controlled Substances in Puerto Rico. On the same day and pursuant to the indictment of HERNANDEZ-Cotto, Honorable Magistrate Judge Bruce McGiverin issued an arrest warrant against HERNANDEZ-Cotto.

5. On May 14, 2014, HERNANDEZ-Cotto was summoned to appear at the Stolen Vehicles Police Station in San Juan, PR. HERNANDEZ- Cotto parked his car, The BMW M3 a block away from the Police Station. By virtue of the arrest warrant, HERNANDEZ- Cotto was placed under arrest and given his "Miranda warnings". When asked how did he get to the station he admitted that he had parked his car a block away. after the arrest of HERNANDEZ-Cotto, DEA agents located and seized a GRAY 2004 BMW M3S BEARING PR TAG GEP-523.

6. A query conducted by TFO Fausto Arroyo from the Puerto Rico Tax Revenue Dept.(HACIENDA by its name in Spanish) revealed that HERNANDEZ-Cotto last filed a tax return in the year 2012. On September 18, 2014, HACIENDA provided a certification regarding HERNANDEZ-Cotto's tax returns filing and a copy of the only tax return HERNANDEZ-Cotto has filed in the last five years. Per the certification provided by HACIENDA, HERNANDEZ-Cotto has only filed tax returns for the year 2012 and claimed earnings for \$10,400.00 USD. Per the information provided by HACIENDA, HERNANDEZ-Cotto did not generate sufficient income in the last five years to pay for the value of the property seized.


7. A query into the PR Driver's Service Center (CESCO by its acronym in Spanish) revealed that HERNANDEZ-Cotto purchased the vehicle on or about April 11, 2014, that is, while participating in the cocaine distribution conspiracy. On May 5, 2014, HERNANDEZ-Cotto was indicted for criminal violations pursuant to Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A), 846, 925, 960, 963 and Title 18 United States Code Section 2.

8. Regarding the participation of HERNANDEZ-Cotto on this conspiracy to distribute kilograms of cocaine, HERNANDEZ-Cotto signed a Plea Agreement in which he accepted responsibility for his participation on the drug trafficking charged in Criminal Case No. 14-31(JAF)(SCC).

Based upon my training and experience, participation in other investigations, and facts concerning this investigation, I believe that sufficient probable cause exists to forfeit the GRAY 2004 BMW M3S BEARING PR TAG GEP-523, as property representing proceeds of drug trafficking violations pursuant to Title 21, United States Code, Sections 841(a)(1) and 881(a)(6); and Title 18, United States Code, 1956.

Sworn and signed under penalty of perjury, pursuant to Title 28, United States

Code, Section 1746, in San Juan, Puerto Rico this 27<sup>th</sup> of October, 2014.

  
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Marcos Carpio, Special Agent  
Drug Enforcement Administration ("DEA")